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Attorney for Defendants



# THE UNITED STATES DISTRICT COURT DISTRICT OF UTAH

RUSSELL GREER,

ATTORNEY PLANNING MEETIN REPORT

District Judge David Barlow Magistrate Judge Jared C. Bennel

Under Fed. R. Civ. P 26(f), the Local Rules of Practice, and the Order to Propose Schedule, if applicable, the parties must confer and develop a proposed discovery plan addressing the areas that follow. The parties must email a copy of the proposed scheduling order in an editable format to the assigned magistrate judge's chambers. If a magistrate judge is not associated with the case, please email the copy to the district judge's chambers.

#### 1. PRELIMINARY MATTERS

a.	Claims and Defenses: (describe the nature and basis of claims and affirmative defenses)
	Plaintiff raises claims related to contributory copyright infringement. ECF No. 53 at 12, n. 7.
	Defendants deny all liability and raise twenty-five affirmative defense The denial of liability and affirmative defenses are listed at, inter alia, ECF No. 66 at 46 et seq.

h	Fod D Civ. D 26/f)/1) Conference: (data the	The Rule 2
b.	Fed. R. Civ. P. 26(f)(1) Conference: (date the conference was held)	conference
	comercines was neral	has not yet
		been held.
C.	Participants: (include the name of the party and attorne	y, if applicabl
	Draft reports have been exchanged pursuant to this Co	urt's order ar
	a conference was not held physically or telephonically.	uit's order, ar
	, and the same of	
	late with any tipe plate in your ideal)	. dia ala avvea a
	later than the date provided)	disclosures May 2, 202
		Defendants
		disclosures
		are due
		pursuant to
4		this Court's
		order at EC No. 60 at 4,
		6, within 14
		days of the
		Rule 26
		conference
	parties agree to receive all items	
	required to be served under Fed. R. Civ.	
	P. 5(a) by the court's electronic-filing	
	system or email transmission.	
	Electronic service constitutes notice and	
	service as required by those rules. The	
	right to service by USPS mail is waived.	

### 2. PROTECTIVE ORDER

	. – -			
a.		The parties anticipate the case will involve the disclosure of information,	es □	No ⊠
b.		If the case will involve the disclosure of inf materials that will be designated as CONF exists for the court to enter the court's Sta under DUCivR 26-2: (describe the need for	IDENTIAL, the ndard Protective	n good caus re Order (SP
		Defendants do not seek a protective order protective order.	and would obj	ect to entry c
C.		If a protective order is needed and the par SPO, then the court's SPO, in effect under until a different protective order—proposed under DUCivR 7-1(a)(4)(D)—is adopted by	r DUCivR 26-2 d by the parties	, will govern
		The parties' proposed protective order shoresolve all claims of waiver of attorney-clie protection, whether or not the information, will be designated as CONFIDENTIAL or and this process must be included in the punder Fed. R. Evid. 502(d): (describe the punder fed. R. Evid. 502(d):	ent privilege or documents, or ATTORNEYS' proposed protect	work-productother other materi EYES ONLY
		Defendants do not seek a protective order protective order.	and would obj	ect to entry c

d.	If the parties do not anticipate the case will involve the disclosure of information, documents, or the materials that will be designated as CONFIDENTIAL, the parties still should identify, in the space below, a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, cother materials will be designated as CONFIDENTIAL or ATTORNEY EYES ONLY, and this process must also be included in the proposed Scheduling Order: (describe the process)
	Defendants do not seek a protective order and would object to entry c protective order.

## 3. DISCOVERY PLAN

	tollowing discovery plan.  • If the parties disagree, clearly indicate the disagreement in the space below:		
b.	Discovery Subjects: (describe the subject a be needed)	areas in which	n discovery v
	Defendants anticipate that discovery will be factual allegations raised by Plaintiff in the nature of Mr. Greer's copyrights at issue, to registration, ownership, transfer, assignme explicit) of such copyrights. Defendants ad	complaint as o include any ent, and/or lice	well as the proof of ense (implicit

allocatory this be needed on this. Greek a cirrinial metery and the mod of civil litigation in state and federal courts, including but not limited to the number and nature of claims for damages or injunctive relief which Mr. Greer has made, and any written filings Mr. Greer has made with any court indicating that he suffers from damages arising from any party other than Defendants in this action. Additionally, Defendants anticipate that discovery will need to be taken regarding Mr. Greer's expenditures (both lawful and unlawful), as well as Mr. Greer's capac to earn, including but not limited to any earning capacity arising from alleged copyrighted works. Additionally, discovery will need to be tak as to the value of the alleged copyrights at issue in this case and the quantum and cause of any alleged damages. For purposes of establishing Defendants "fair use" defense, and to establish that Mr. Greer is a public figure for purposes relevant to this litigation, Defendants anticipate seeking discovery into Mr. Greer's broader activities both artistically and in terms of his activism. Additionally. Defendants anticipate that discovery will be needed into Mr. Greer's past statements regarding topics relevant to this lawsuit, including statements made on social media. Discovery is also anticipated as to Mr. Greer's efforts to preserve or delete past statements relevant to case.

#### c. Discovery Phases:

Will discovery be conducted in phases? If so, please explain.

No.

 Will discovery be limited to or focused on particular issues? If please explain and identify whether discovery will be accelera on any issue and the due dates.

No.

	Flootropically Stored Intermetion: /decoring how the parties will hand
a.	<u>Electronically Stored Information</u> : (describe now the parties will hand
	discovery of electronically stored information)
	It is not anticipated that any special procedures will be required.
	Requests for Production will be governed by Rule 34.

### 4. FACT DISCOVERY

		Maximum number of depositions by Plaintiff:	1 absent
			leave of cou
		Maximum number of hours for each deposition: (unless extended by agreement of parties)	8
		Maximum requests for admissions by any party to any party:	250 absent leave of cou
			•
b.	Othe	er Fact Discovery Deadlines—	
		Deadline to serve written discovery:	06/01/2025

	PI	laintiffs:		Not Applica
	D	efendants:		Not Applica
FXP	PERT DIS	SCOVERY		
				00/04/000
	2.	es not bearing the burden of proof	:	03/01/2025
	2.	es not bearing the burden of proof	:	06/01/2025
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ОТН	HER DEA	ADLINES AND TRIAL-RELATED INFO	RMATION	
OTH b.		ADLINES AND TRIAL-RELATED INFO	RMATION  3ench	Jury 🗆
				Jury 🗆
				Jury 🗆
b.	Tr	rial:	3ench ⊠	
b.	Tr	rial:	3ench ⊠	

<sup>&</sup>lt;sup>1</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
<sup>2</sup> Instructions for attaching the Attorney Planning Meeting Report to a Stipulated Motion for Scheduling Order or Motion for a Scheduling Conference can be found on the court's <u>Civil Scheduling</u> webpage.